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 1              UNITED STATES DISTRICT COURT
                NORTHERN DISTRICT OF OHIO
 2                   EASTERN DIVISION

 3                       - - -

 4   Snap-On Business Solutions, Inc.,   :
                                         :
 5           Plaintiff,                   :
                                         :
 6      vs.                               : Case No.
                                         : 5:09-CV-01547-JG
 7   O'Neil & Associates, Inc.,           :
                                         :
 8           Defendant.                   :

 9                       - - -

10      VIDEOTAPED DEPOSITION OF ARMANDO MONZON
                   **CONFIDENTIAL**
11              *ATTORNEYS' EYES ONLY*

12                       - - -

13

14              Monday, December 7, 2009
                10:16 o'clock a.m.
15              Reminger Company, LPA
                65 East State Street, Fourth Floor
16              Columbus, Ohio  43215

17

                         - - -
18

                SHAYNA M. GRIFFIN
19        REGISTERED PROFESSIONAL REPORTER
           CERTIFIED REALTIME REPORTER
20
                         - - -
21

22        ANDERSON REPORTING SERVICES, INC.
          3242 West Henderson Road, Suite A
23             Columbus, Ohio 43220
                  (614) 326-0177
24             FAX (614) 326-0214
```

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 1            MS. WILCOX:  Who has accessed, yes.

 2            MR. SCHRADER:  I'm sorry.  I just couldn't

 3   hear you.

 4   A.       Who has access -- accessed?

 5   Q.       Yes.

 6   A.       The Web portal, I do know Debbie Evans

 7   has, and Dean Schuler.  Besides that, I'm not certain

 8   of people at O'Neil who have accessed the Web portal.

 9   Q.       Okay.  So you've seen it, but you

10   personally have not accessed the portal?

11   A.       Correct.  I may have just been present in

12   the room or cubicle where it's at.

13   Q.       Okay.  And that was with Ms. Evans or

14   Mr. Schuler?

15   A.       I'm aware that -- I know Ms. Evans -- I've

16   been in her office or I've been in a conference room

17   where she has accessed.  Mr. Schuler, I know he has

18   accessed it.

19   Q.       Okay.

20   A.       But I wasn't necessarily present when he

21   did.  I was not present when he did.

22   Q.       Do you know if Ms. Evans or Mr. Schuler

23   needed a user name and/or password to log into that

24   portal?
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 1   A.          Yes.

 2   Q.          Okay.  Do you know how they got passwords?

 3   A.          Requested it -- they were provided from

 4   MCF, Samuel Herrick.

 5   Q.          Okay.  Do you know if these were passwords

 6   that were created for these specific people?

 7   A.          I know Debbie Evans has, yes.  I'm not

 8   sure for Dean.

 9   Q.          Okay.  Who else have you met who works or

10   worked at MCFA?

11   A.          I've met Bob Munson, Arnold Witt.  They

12   were on the E Learning project.  I've also met Gary

13   Wimark from MCFE Europe, and another gentleman's name

14   that escapes me.  I've met Samuel Brotson with our

15   recent trip, and I don't recall a name right this

16   second.

17   Q.          Okay.  Do you recall if you met Jay

18   Gusler?

19   A.          Jay Gusler?  The name sounds familiar, but

20   I don't know if I've met him.

21   Q.          How about Kevin Krakora (phonetic)?

22   A.          That name does not sound familiar to me.

23   Q.          Okay.  Matt Willcheck?

24   A.          Yes.  Yeah, I've met Matt.
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 1   page does not look familiar to me.  I don't recall --

 2   I don't remember if I was at that meeting.

 3   Q.         Okay.  And what about the January -- and I

 4   believe this -- it says 2008 at the top.  But it -- I

 5   believe it's supposed to be 2009, because there are

 6   some other 2009 items that occurred in the past on

 7   the second page of that.  Do you remember being at

 8   that meeting around January 15th, 2009?

 9   A.         I don't remember that being a specific

10   meeting, but this -- I guess I don't remember with

11   certainty, no.

12   Q.         Okay.  Below those two tables, it says,

13   "O'Neil's team is currently supporting the following

14   initial tasks.  We are currently reviewing the

15   supplied spreadsheets/current Snap-On hosted

16   websites."

17             Do you recall ever seeing these

18   spreadsheets?

19   A.         I do.

20   Q.         Okay.  Do you know who supplied them?

21   A.         Samuel Herrick, MCF.

22   Q.         Okay.

23   A.         I will -- let me rephrase that.  I know

24   that they were deposited from MCF onto our file
```

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 1 transfer drive. I don't know definitively that

 2 Samuel Herrick was the one that deposited them.

 3 Q.   What was in the spreadsheets? What was

 4 the content?

 5 A.   My recollection was there is a set of what

 6 MCF calls media numbers and model numbers for all

 7 their various manuals. So that defined at a high

 8 level all the items that they wanted us to capture,

 9 all the data for those specific models.

10 Q.   Okay. And then a few bullet points down

11 it said that one of the items was to determine the

12 best approach for compiling acquired data into a

13 temporary database until it is put into our system.

14 So was the downloaded data put into a temporary

15 database?

16 A.   Yes. A staging database, yes.

17 Q.   Okay. And why was it put into a staging

18 database?

19 A.   That provides stability to analyze the

20 data and our resources to query the data and look at

21 it and analyze it.

22 Q.   What did you analyze it for? What were

23 you looking to see?

24 A.   We were looking to see, you know, one, did

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 1   we capture all the data, verified that we captured

 2   all the data that MCF -- they wanted us to capture;

 3   and two, we wanted to make -- that gives us direct

 4   access to more efficiently look and analyze the data

 5   to see how to better organize it when we move it into

 6   our CMS and websites.

 7   Q.          Okay.  And on the third page of

 8   Exhibit 85, the second dark bullet point down, it

 9   says, "We are currently establishing our data

10   acquisition tool strategy for executing data

11   acquisition runs, including formulating estimates --

12   rough estimates on the impact of the data acquisition

13   runs on overall system performance and on the

14   individual users associated with our supplied sets of

15   credentials."

16              Who did that at O'Neil?

17   A.          Well, I think that would have been a

18   combination of Dean, myself, Dave Stackhouse and

19   Heather discussing options.

20   Q.          What options did you discuss?

21   A.          Options to discuss is -- you know, one is

22   to -- you know, how many threads to simultaneously --

23   to open up in order to reclaim the data and how many

24   multiple accounts and -- to utilize to reclaim the
```

1   manually run it. They would enter in their

2   credentials that was provided from MCFA. We would

3   log in, and based upon the spreadsheets that were

4   provided, we'd iterate through and grab the model

5   information and iterate through and grab the

6   illustrated parts list.

7   Q.   So based -- these were the spreadsheets

8   before -- that we were talking about before?

9   A.   Right, exactly.

10   Q.   So you were using those as --

11   A.   As just a crude level verification that,

12   hey, have we gotten the various models that we expect

13   to grab.

14   Q.   Okay. So you went in with more or less of

15   a -- more or less of a list --

16   A.   Yes.

17   Q.   -- of what you needed?

18   A.   Uh-huh.

19   Q.   Okay. Okay. So I'm sorry. So then it --

20   A.   But we knew the list wasn't comprehensive

21   or complete, potentially.

22   Q.   Okay. So after the -- after the log-in,

23   then how would -- how does the tool work?

24   A.   We would go to the top level note tree and

1   it would have the model. Then we'd go down -- you

2   know, it's like a manual. So there's a model, like a

3   title of a book. Then you have chapters, go to the

4   chapter, throughout the chapter. Then you go to the

5   illustrated parts list that has the illustration,

6   which is the picture, and the illustrated parts list

7   that has the parts that are involved. And so we'd

8   grab both the illustration and the parts list, and we

9   would bring those down and put them into our staging

10 database.

11 Q.   Okay. Now, did the spreadsheets that you

12 had have all of those items in order or just

13 basically the model number?

14 A.   Had the models, the candidate models that

15 they wanted us to make sure were grabbed.

16 Q.   Okay. So you didn't know from the

17 spreadsheet what each of the subheadings would be?

18 A.   They suspected that -- even after quick

19 inspection, you know, just someone bringing it up, I

20 believe it was at some point determined, hey, not all

21 the models are listed here, or there might have been

22 typographical errors within the spreadsheet, or even

23 vice versa in the Snap-On business unit. I recall

24 something to that vein. So it wasn't necessarily a

 1 | one-for-one match.

 2 | Q.   Okay. So for each model, it went down the

 3 | data tree in order, pretty much --

 4 | A.   It would go down the data tree, uh-huh,

 5 | iterate through and grab that information. And I

 6 | know once we got to the illustrated parts list, there

 7 | were other, what we call, satellite information,

 8 | other meta information at the illustrated parts list,

 9 | like notes and all the column headings. There might

10 | have been remarks. I think kits were in there as

11 | well.

12 | Q.   Were hotspots in there too?

13 | A.   In the illustrated parts list --

14 | Q.   Well, I guess, were the hotspots

15 | downloaded?

16 | A.   The illustrated parts lists were

17 | downloaded.

18 | Q.   Okay.

19 | A.   And they had coordinate information,

20 | coordinate data.

21 | Q.   And what do those coordinates correspond

22 | to?

23 | A.   The cartesian byproduct as to where --

24 | where an item number exists.

1 Q.   And by item number, you mean?

2 A.   Illustrated parts list is nothing more

3 than a sequential listing of parts. There's 1, and

4 that corresponds to Part No. 100; 2, and that

5 corresponds to Part 243; and 3 corresponds to Part

6 746. The -- the call-out is nothing but, hey, where

7 Item No. 1 exists on XY axis of that illustration.

8 Q.   Okay. So you're talking on the image --

9 A.   On the image, uh-huh.

10 Q.   -- itself, okay, that there's -- on the

11 left-hand column of the site, there's the numbers,

12 and then each one corresponds to a location on --

13 A.   The illustration.

14 Q.   -- the image -- on the illustration, okay.

15   Okay. So that data, the coordinates were

16 downloaded?

17 A.   Yes.

18 Q.   Okay. Anything else?

19 A.   I don't recall what other items may have

20 been specifically besides those things.

21 Q.   Were the -- was there any other like Web

22 information, like URLs downloaded or like node

23 information?

24 A.   We would have -- yeah, one thing that we

```
 1   did is we did -- so we know the place, we grabbed the

 2   URL location specifically, so when we turned it back

 3   on, we would know where to start back up again.  But

 4   we had our own IDs to identify everything.

 5   Q.        So it would download each URL for each

 6   piece of information just so you could see where you

 7   stopped, or did it just record the last URL that was

 8   downloaded?

 9   A.        We'd first iterate through and knew all

10   the URLs that we need to potentially hit, and then we

11   would go through and -- iterate through and make sure

12   we grabbed the data for those.

13   Q.        Okay.

14   A.        But, no, we didn't download any other

15   information, like the presentation layer and job

16   script stuff.  That stuff -- how it's presented that

17   that was -- you know, was -- we filtered or it wasn't

18   important to us.

19   Q.        Who thought of using the reclamation tool

20   to download the MCFA data from Snap-On's site?

21   A.        I don't know who suggested it.

22   Q.        Okay.  But you mentioned that this is

23   something that O'Neil routinely does in its business,

24   it designs tools?
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ARMANDO MONZON - December 7, 2009   90
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 1   A.          I don't believe I was.

 2   Q.          Okay.  Do you know who would have drafted

 3   these notes?

 4   A.          I'm fairly confident Barbara Moore did.

 5   Q.          Okay.  In the first paragraph under the

 6   meeting notes, the very last sentence where it says,

 7   "We are looking to initiate an initial MCFA site

 8   scraping by the end of the month," can you tell me

 9   what a site scraping is?

10   A.          That would be the reclamation tool, just

11   starting the reclamation tool.

12   Q.          Okay.  So it's the same -- so the

13   reclamation tool and a scraping tool is the same

14   thing?

15   A.          Correct.

16   Q.          Okay.  All right.  Under No. 1, data items

17   to be -- 1A, data items to be electronically acquired

18   by O'Neil tool, can you tell me about each of these

19   items that were -- that were downloaded.

20   A.          Sure.  What specifically do you want to

21   know about them?

22   Q.          Were all of these downloaded using

23   O'Neil's reclamation tool?

24   A.          Yes.  Parts list data and headers, yes.
```

1   Parts list graphic. I mean, I'm not sure what they

2   mean by association there. That's the graphic and

3   its corresponding parts list. Service manuals, I am

4   not certain, because I know there was discussions had

5   that MCF may provide us with the physical service

6   manuals. I don't know for a fact that we used the

7   reclamation tool to grab the service manuals or not.

8   Parts supersession links, I do believe we annotated

9   where supersession links occurred and -- as well as

10   parts bulletins links, yes.

11   Q.   Did the data reclamation tool save all of

12   these items to a database?

13   A.   To our database, yes.

14   Q.   Okay. Who designed the database that it

15   was saved to?

16   A.   It would have been a combination of Dean

17   Schuler and Jeryle Ball.

18   Q.   What did O'Neil do with the data in the

19   database once it was downloaded?

20   A.   We analyzed it. We looked at it for -- to

21   see it for completeness; and also for -- to ensure

22   that we had all the data pieces that we anticipated;

23   and also looked at how we could arrange it so it

24   could fit in the feature and part content management

1   system and how -- and look at data questions that we

2   had about the raw data itself, that we need to have

3   clarification with MCF regarding what we were looking

4   at.

5   Q.   And in what order was the data downloaded?

6   A.   It was -- in what order was the data

7   downloaded? I'm not positive. I don't know.

8   Q.   Okay. Who would know?

9   A.   Dean Schuler.

10   Q.   Now, assuming that the data was -- I mean,

11   there was a tree structure in the database; correct,

12   on Snap-On's website where it started with model

13   number and then went through different parts numbers?

14   A.   On their website, yes, there was --

15   Q.   Okay. So was it downloaded in that order?

16   A.   I'm not certain that it was.

17   Q.   Okay. Was it saved in O'Neil's database

18   in that order?

19   A.   I can't remember.

20   Q.   Okay. When you looked at the database and

21   were thinking about how to arrange the data, how did

22   you decide it was best to arrange the data for the

23   new project?

24   A.   For the reclamation project?

1   Q.   Or for the -- for the content management

2   system and parts catalog projects.

3   A.   That's still kind of being ironed out.

4   There are items being discussed that -- one of the

5   changes that MCF wants is that they currently -- they

6   want to have things organized by their family of

7   models which currently does not exist. So they'd

8   ideally like to have things grouped by family of

9   models and then models.

10 Q.   And how is that different than the current

11 organization of data on the Web portal that's hosted

12 by Snap-On?

13 A.   Currently, there's no way to know how

14 those model groupings -- what groups they exist with,

15 what families they belong to.

16 Q.   Aside from the major groupings, how about

17 within an individual model? How will the data be

18 ordered differently than it is now?

19 A.   I don't know. That has to be flushed out

20 with MCF as to how they want to have changes within

21 their structure and layout of their manual. That

22 would be an ongoing process that we have with them in

23 dialogue.

24 Q.   Is it going to be a different order than

1   it is now, say, where you have model number and then

2   each part --

3   A.   It could be. I don't know.

4   Q.   Were the image files downloaded at the

5   same time as the parts data or at separate times?

6   A.   My understanding is that they were

7   downloaded -- hmm. I'm -- I'm not positive, but

8   Dean -- Dean Schuler would know exactly, I believe.

9   I don't know for certain.

10 Q.   Is all of the data that was downloaded by

11 O'Neil going to be used in the new system?

12 A.   You know, all the data that we have, I

13 think there's -- that still has to be kind of

14 perused. And I think there is some data that we

15 believe is newer that we have that is more fresh and

16 current that we'll use instead of what was reclaimed.

17 Q.   Okay. Is there anything that was

18 downloaded that is going to be just not used, like

19 just sort of weeded out and thrown away? Is it just

20 old data, or otherwise is all the data going to be

21 used?

22 A.   Obviously, anything that we got that's

23 regarding presentation of the data, we discarded and

24 we will discard. It is -- you know, there are some

```
 1  data pieces that we -- I believe that have been

 2  identified that have -- that are just flat-out errors

 3  in the data --

 4  Q.        Okay.

 5  A.        -- that will be discarded or unnecessary

 6  redundancies within the data or items that MCF is

 7  requesting to be removed.

 8  Q.        Now, when you downloaded parts data and

 9  saved it in the database, and then also downloaded

10  image data and the coordinates, how do you keep all

11  that together in your new database?

12  A.        Certainly, I mean, we know what IPL we're

13  at; so at the same time, we were able to grab the

14  illustration.  And we give it a control number that

15  matches the control number that we give the IPL so we

16  know those two match.  And the coordinate information

17  is embedded with the meta information of that

18  illustration.  So the association is the item numbers

19  from the coordinate information to the illustration

20  to the item numbers on the illustrated parts list.

21  Q.        Who designed the reclamation tool that was

22  used to download data from MCF on the website?

23  A.        At a high level, Dean Schuler and I

24  discussed it.  The actual technical implementation
```

1 and low level design would have been Dean Schuler

2 with Jeryle Ball assisting on the database.

3 Q.   Now, at the higher level, you and Dean

4 discussed -- what did you discuss with him?

5 A.   We discussed -- a couple items that we

6 discussed is, you know -- you know, what data did we

7 want to get. You know, we wanted to make sure that

8 we just didn't get the raw physical data, you know.

9 After discussions we also discussed when to run it,

10 you know, at what pace we wanted to run the tool, and

11 also some techniques that we used to verify we got

12 all the information that we anticipated that we were

13 going to get; and also to make it efficient to run;

14 and also how to make it so it didn't create any undue

15 burden on the system as well.

16 Q.   So you said that in your discussions you

17 and Dean didn't want to get just raw data; correct?

18 A.   Yeah. We didn't want to get necessarily

19 the presentation. That's not necessary for our

20 purposes.

21 Q.   Okay. By presentation, what do you mean?

22 A.   Like Java Script, the layout, the HTML,

23 you know.

24 Q.   Okay.

1 A.   The Pantone colors that things are

2 rendered in, the fonts that things are rendered in,

3 that's not important to us.

4 Q.   So what is raw data?

5 A.   Literally, the text it describes, the

6 illustrated parts list and the illustrations and

7 information and data for those illustrations that

8 help support it, kit number information embedded

9 within the illustrated parts list, notes that are

10 embedded in the illustrated parts list, the text that

11 helps supplement the illustrated parts list, and any

12 data that helps supplement the illustrated parts

13 list.

14 Q.   Okay. So all that is raw data?

15 A.   Yes.

16 Q.   Okay. And then -- so you didn't want just

17 raw data. What did you want to make sure you

18 captured?

19 A.   What do you mean?

20 Q.   Well, you said when you talked with Dean,

21 you didn't want just the raw data. What did you

22 want?

23 A.   No. We do want -- sorry. Maybe I

24 misspoke. We do want the raw data that I just

 1 | described there.

 2 | Q.   Oh, okay.

 3 | A.   Perhaps I...

 4 | Q.   Okay. So you wanted the raw data. You

 5 | didn't want Java and other --

 6 | A.   I don't want Java Scripts.

 7 | Q.   Okay.

 8 | A.   If there's pop-up errors coming up, those

 9 | are -- those things weren't of interest to us.

10 | Q.   So Dean was the main designer of the

11 | reclamation tool?

12 | A.   Yes.

13 | Q.   Okay.

14 | A.   Low level design, yes.

15 | Q.   Low level design. And then who did --

16 | were there other levels of design?

17 | A.   Just high level -- describing, you know,

18 | hey, we want to iterate through the site and get all

19 | the IPL data at a high level. That was my

20 | involvement.

21 | Q.   Okay.

22 | A.   And Jeryle Ball was providing the database

23 | infrastructure, getting it in place to store all the

24 | data. Dave Stackhouse was involved for providing

```
 1   I really know.  But I don't know -- I can't recall

 2   the specifics in her e-mail that she mentioned.

 3   Q.          Did she send it to you?

 4   A.          I believe she sent it to a group of people

 5   and I was on copy for it.

 6   Q.          Okay.  Do you remember who else she sent

 7   it to?

 8   A.          No.  I imagine Heather and Barb were on

 9   it, and I imagine probably Melissa Rioux, her

10   supervisor, was on it as well.  But besides that, no.

11   Q.          Were you concerned when MCFA gave O'Neil

12   the passwords to use to log into the site?

13   A.          No.

14   Q.          Why did MCFA need O'Neil to download the

15   data from Snap-On's website?

16   A.          Because Snap-On wouldn't give them their

17   data back.

18   Q.          If it was MCFA's data, wouldn't MCFA have

19   just given it to O'Neil?

20              MR. SCHRADER:  Objection to form.  You can

21   answer.

22   BY MS. WILCOX:

23   Q.          You can answer.

24   A.          Repeat the question, please.
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